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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,403	03/29/2001	Tore Fosse	VCC0082-US	3278

28694 7590 12/03/2003

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EXAMINER

DRAPER, DEANN L

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,403

Applicant(s)

FOSSE ET AL.

Examiner

Deanna L. Draper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21,22 and 27-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,22 and 27-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Acknowledgements

The Amendment filed on September 23, 2003 is acknowledged. Claims 43 – 46 have been added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43 – 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 43, the Applicant recites “a radial ending portion of the integral wall having a radially inner end at the upper end of the lower portion and a radially out end terminating at a lower end of the upper portion such that the radial wall portion is the only element wall portion extending radially between the upper and lower element portions and the lower opening opens to the upper opening without interfering wall portions of the element therebetween.” This section of the claim is confusing and extremely unclear – this seems to be an attempt to describe the “ledge” recited in earlier independent claims, but clarification and explanation is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22, and 27 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barenyi (US 3,800,604) and further in view of Fohl (EP 0691245). Barenyi discloses a hub (see bottom of 7 in Fig. 2) for fixing to a steering column, a substantially conical bowl-shaped element (see Fig. 2) with a plurality of spokes (2 in Fig. 1), the spokes connected by a reinforcing element (9 in Fig. 1) and further connecting the bowl-shaped element to a steering wheel rim (10 in Fig. 2), the bowl-shaped element further comprising an upper shell part (4 in Fig. 2) and lower shell part (7 in Fig. 2), the upper shell part having larger outer dimensions than the lower shell part and the upper and lower shell parts are connected by a ledge extending substantially radially outwardly from the lower shell part to the upper shell part (see attachment). However, Barenyi does not disclose an airbag or casing with a wall section of the bowl-shaped element at least partly forming part of the means for inflating the airbag. Fohl discloses a vehicle steering wheel including a lower portion (40 in fig. 3) with an integral hub shaped to receive an airbag (24 in Fig. 1), with a wall section of the lower portion of the hub at least partly forming a part of the means for inflating the airbag, in order to provide ease in inserting an airbag into a vehicle steering wheel. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Barenyi by adding an airbag and lower portion with a wall section that at least partly forms a part of the means for inflating the airbag in order to provide an easier way to insert an airbag into a steering wheel assembly, as taught by Fohl. Regarding the hub, bowl shaped element, and spokes being integrally formed, it has been held

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that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art.

Regarding Claims 28, 29, 35, 36, and 39 – 42 when the applicant claims an operation or characteristic of a device not explicitly disclosed in a prior art reference, the U.S. Patent and Trademark Office “possesses the authority to require the applicant to prove that the subject matter shown in the prior art does not possess the characteristics relied on.” *In re Ludtke and Sloan*, 169 USPQ 563, 566 (CCPA 1971). The applicant is required to prove that the subject matter shown would not have the weight distribution, dimensioning, and deformation characteristics as claimed.

Allowable Subject Matter

None of the prior art of record appears to read on Claims 43 – 46 as understood by the examiner, and the subject matter of the claims appears to be allowable if the rejections under 35 USC 112 can be overcome. However upon applicant’s amendment to overcome the rejections and objections raised by the examiner and upon the examiner’s better understanding of the invention, a comparison of the prior art to the claims will again be made.

Response to Arguments

Applicant's arguments filed September 23 have been fully considered but they are not persuasive. Regarding Applicant’s argument that Barenyi does not disclose a substantially conical configuration, the examiner disagrees. The article in question is required to be a “bowl-shaped element having a substantially conical configuration”, and the examiner maintains that 4

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and 7 in Barenyi have a ‘substantially’ conical configuration – it starts small and gets larger, like the shape of a cone. Also, applicant argues that the ledge structure pointed to in Fig. 2 of Barenyi is not a “radially extending portion of an integral wall that forms both the hub 1 and deformation pot 7”. The examiner disagrees, and maintains that the ledge structure pointed to in Fig. 2 of Barenyi is a “ledge extending substantially radially outwardly from the lower part to the upper part” as claimed in the independent claims.

Also, the examiner would like to point out that it has been held that the term “integral” is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1973).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deanna L. Draper whose telephone number is 703-306-5939.

The examiner can normally be reached on Monday - Friday, 9:00 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DEANNA L. DRAPER
PATENT EXAMINER

dld
November 18, 2003


 11/25/03
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

FIG. 1

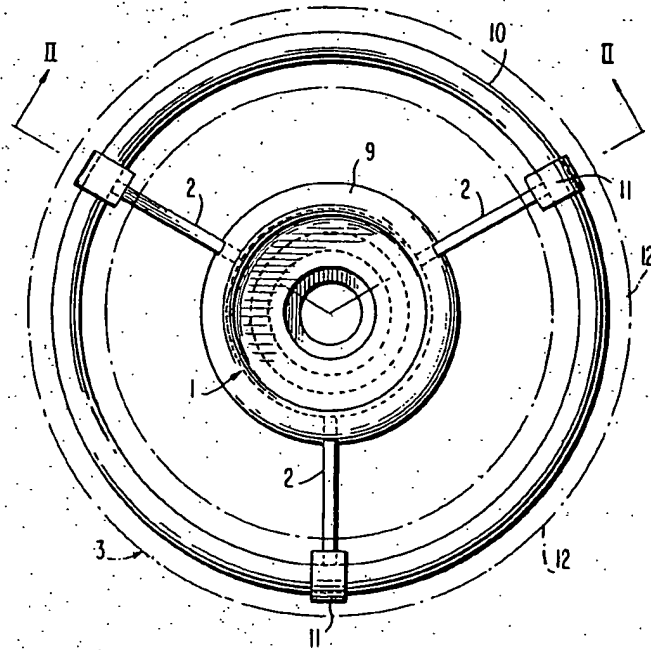


FIG. 2

